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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,244	12/05/2003	Nolan T. Brooks	PBROOT	1173
7590		08/08/2006	EXAMINER	
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Ogden, UT 84403		PAPER NUMBER		

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,244	Applicant(s) BROOKS, NOLAN T.	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group 2, claims 10-42 in the reply filed on 1 May 2006 is acknowledged.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

3. The disclosure is objected to because of the following informalities: the word "legs" on the fourth line of paragraph 8 appears to be in error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 20-23 and 35-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 20 and 35 recite a second power assist actuator before any recitation of a first power assist actuator. Because this implies a limitation that is not actually present in the claims (a first power assist actuator), the claims are deemed indefinite.
7. Claims 21-23 and 36-38 are deemed indefinite as being dependent on indefinite claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

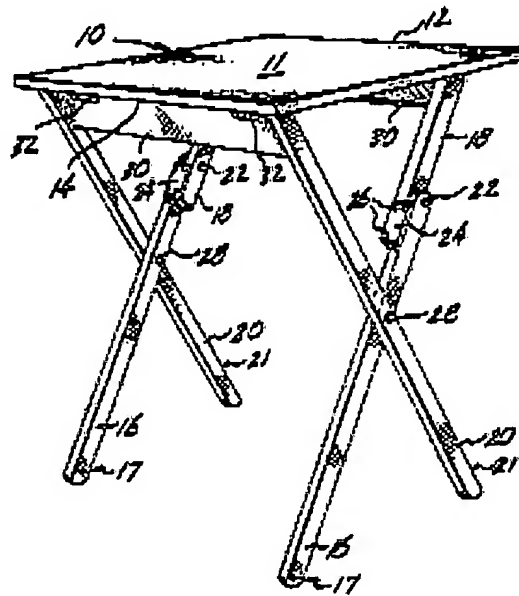
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 20, 27, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (US Patent Number 3646895) in view of Wolff (US Patent Number 5067535). Campbell discloses a folding table as described in the Jepson portion of the claims [basically first and second one-piece legs (21), first and second

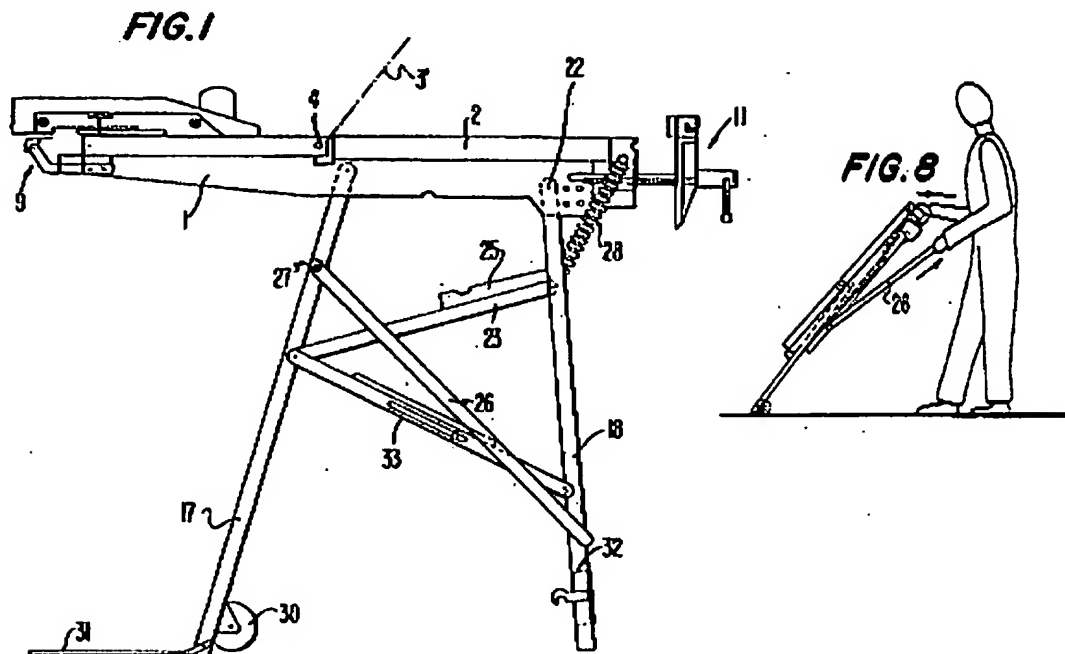
two-piece legs (17), and a tabletop (11)]; but does not disclose the improvement, i.e. first and second wheels connected to the first and second two-piece legs respectively and power assist actuators. Wolff (Figures 1 and 8) discloses a folding table including a first and second wheel (30) having a radius and a bottom and being rotatably connected to a segment of a first and second leg (17, 19, including 31, etc.) at a point near a free end (bottom of 17, 19) with the legs being bent (viewed as bend of 31 at point of attachment to 17, 19) near the point of attachment of said wheels to the leg at an angle away from the tabletop; the dimensions of the wheels and legs selected such that the free ends of the legs hold the wheels above a surface supporting the table when the legs have been unfolded to support the tabletop (see for example column 3 line 68 to column 4 line 2) while maintaining the free ends of the legs higher than the bottom of the said wheels and providing ground clearance for the free ends of the legs when the table has been folded that can substantially equal the radius of a wheel (see for example Figure 8 where the table is near its folded position and it is clear that the ground clearance of the free end of the legs is variable based on the angle of the table relative to the ground). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Campbell's table to include wheels that are disengaged from the ground when the table is unfolded, but engaged with the ground when the table is folded as taught by Wolff because this arrangement would allow Campbell's table to be moved easily when folded, but maintain its stability when unfolded. Furthermore, it would have been obvious to include bends in the legs to enhance the stability of the table. Wolff further discloses first and second power assist

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actuators (28) pivotally connected to the tabletop and a first and second one-piece leg (18, 20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include first and second power assist actuators as taught by Wolff because this arrangement would provide Campbell's table with an opening and closing assist, making the operation of the table easier as well as maintaining the legs in their folded or unfolded positions.



Campbell '895 Figure 2



Wolff '535 Figures 1 and 8

10. Claims 16, 19, 23, 26, 31, 34, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Wolff and Cheng et al. (US Patent Number 5829365).

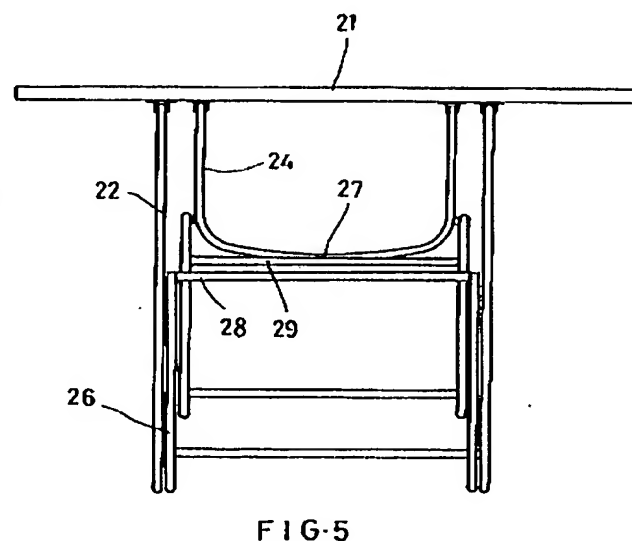
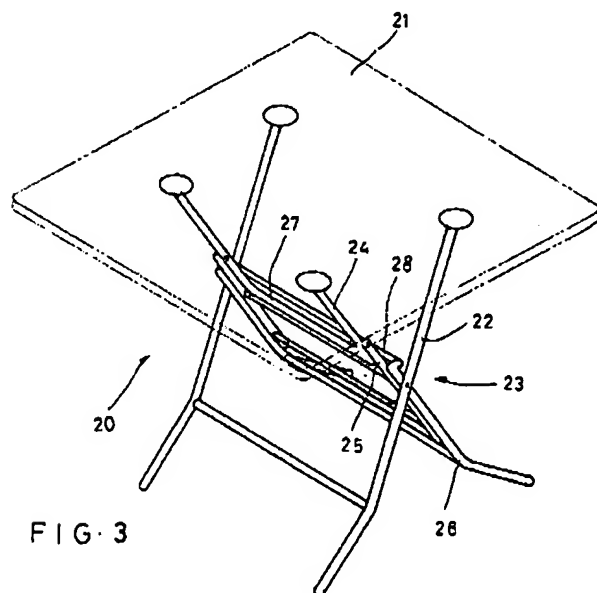
11. Regarding claims 16, 19, 26, and 41, Campbell discloses a folding table as described in the Jepson portion of the claims [basically first and second one-piece legs (21), first and second two-piece legs (17), and a tabletop (11)]; but does not disclose the improvement, i.e. first and second wheels connected to the first and second two-piece legs respectively, power assist actuators, and bends. Wolff (Figures 1 and 8) discloses a folding table including a first and second wheel (30) having a radius and a bottom and being rotatably connected to a segment of a first and second leg (17, 19, including 31, etc.) at a point near a free end (bottom of 17, 19) with the legs being bent (viewed as

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bend of 31 at point of attachment to 17, 19) near the point of attachment of said wheels to the leg at an angle away from the tabletop; the dimensions of the wheels and legs selected such that the free ends of the legs hold the wheels above a surface supporting the table when the legs have been unfolded to support the tabletop (see for example column 3 line 68 to column 4 line 2) while maintaining the free ends of the legs higher than the bottom of the said wheels and providing ground clearance for the free ends of the legs when the table has been folded that can substantially equal the radius of a wheel (see for example Figure 8 where the table is near its folded position and it is clear that the ground clearance of the free end of the legs is variable based on the angle of the table relative to the ground). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Campbell's table to include wheels that are disengaged from the ground when the table is unfolded, but engaged with the ground when the table is folded as taught by Wolff because this arrangement would allow Campbell's table to be moved easily when folded, but maintain its stability when unfolded. Furthermore, it would have been obvious to include bends in the legs to enhance the stability of the table. Wolff further discloses first and second power assist actuators (28) pivotally connected to the tabletop and a first and second one-piece leg (18, 20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include first and second power assist actuators as taught by Wolff because this arrangement would provide Campbell's table with an opening and closing assist, making the operation of the table easier as well as maintaining the legs in their folded or

unfolded positions. Cheng (Figures 3 and 5) discloses a folding table with free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.

12. Regarding claims 23, 31, 34, and 38, Campbell, when modified by Wolff as described above, discloses a folding table as recited in claims 20, 27, 28, and 35, but does not disclose legs bent outwardly. Cheng (Figures 3 and 5) discloses a folding table with free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.



Cheng et al. '365 Figures 3 and 5

13. Claims 14, 15, 17, 18, 21, 22, 24, 25, 29, 30, 32, 33, 36, 37, 39, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Wolff, Allbritton (US Patent Number 2061357), and Cheng.

14. Regarding claims 14, 15, 17, 18, 24, 25, 39, 40, and 42, Campbell discloses a folding table as described in the Jepson portion of the claims [basically first and second one-piece legs (21), first and second two-piece legs (17), and a tabletop (11)]; but does not disclose the improvement, i.e. first and second wheels connected to the first and second two-piece legs respectively, power assist actuators, a screw, a pin, crosspieces, and bends. Wolff (Figures 1 and 8) discloses a folding table including a first and second wheel (30) having a radius and a bottom and being rotatably connected to a segment of a first and second leg (17, 19, including 31, etc.) at a point near a free end (bottom of 17, 19) with the legs being bent (viewed as bend of 31 at point of attachment to 17, 19) near the point of attachment of said wheels to the leg at an angle away from the tabletop; the dimensions of the wheels and legs selected such that the free ends of the legs hold the wheels above a surface supporting the table when the legs have been unfolded to support the tabletop (see for example column 3 line 68 to column 4 line 2) while maintaining the free ends of the legs higher than the bottom of the said wheels and providing ground clearance for the free ends of the legs when the table has been folded that can substantially equal the radius of a wheel (see for example Figure 8 where the table is near its folded position and it is clear that the ground clearance of the free end of the legs is variable based on the angle of the table relative to the ground). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

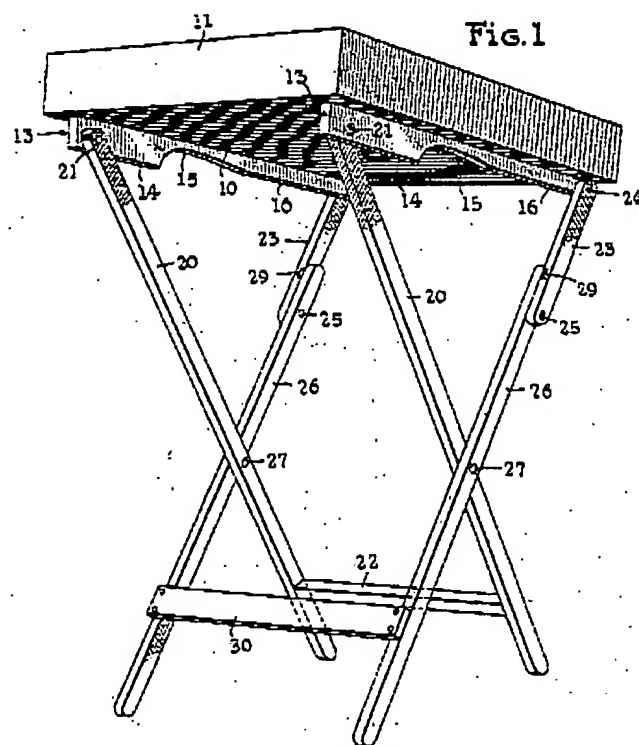
invention was made to modify Campbell's table to include wheels that are disengaged from the ground when the table is unfolded, but engaged with the ground when the table is folded as taught by Wolff because this arrangement would allow Campbell's table to be moved easily when folded, but maintain its stability when unfolded. Furthermore, it would have been obvious to include bends in the legs to enhance the stability of the table. Wolff further discloses first and second power assist actuators (28) pivotally connected to the tabletop and a first and second one-piece leg (18, 20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include first and second power assist actuators as taught by Wolff because this arrangement would provide Campbell's table with an opening and closing assist, making the operation of the table easier as well as maintaining the legs in their folded or unfolded positions. Allbritton (Figure 1) discloses a folding table including a fastener (for attaching element 30) mounted in the bottom of a leg, a pin (25) removably insertable into an aperture in a first segment and a corresponding aperture in a second segment (both at 25) when the segments are unfolded, and crosspieces (22, 30) attached between legs below points of pivotal attachment (25, 27). [Note that while he does not specifically disclose the fasteners as screws, screws are well known in the art and would be an obvious choice for a fastener.] Cheng (Figures 3 and 5) also discloses a folding table including a first crosspiece (27) attached between first segments of two-piece legs, a second crosspiece (29) attached between second segments of two-piece legs below a pivotal attachment point, and a third crosspiece (at bottom of Figure 5) attached between one-piece legs

below a pivotal attachment point. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include a screw, a pin, and first, second, and third crosspieces as taught by Allbritton and Cheng because this arrangement would provide Campbell's table much greater stability and structural integrity. Finally, Cheng further discloses free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.

15. Regarding claims 21, 22, 29, 30, 32, 33, 36, and 37, Campbell, when modified by Wolff as described above, discloses a folding table as recited in claims 20, 27, 28, and 35, but does not disclose a screw, a pin, crosspieces, and bends. Allbritton (Figure 1) discloses a folding table including a fastener (for attaching element 30) mounted in the bottom of a leg, a pin (25) removably insertable into an aperture in a first segment and a corresponding aperture in a second segment (both at 25) when the segments are unfolded, and crosspieces (22, 30) attached between legs below points of pivotal attachment (25, 27). [Note that while he does not specifically disclose the fasteners as screws, screws are well known in the art and would be an obvious choice for a fastener.] Cheng (Figures 3 and 5) also discloses a folding table including a first crosspiece (27) attached between first segments of two-piece legs, a second crosspiece (29) attached between second segments of two-piece legs below a pivotal attachment point, and a third crosspiece (at bottom of Figure 5) attached between one-piece legs

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below a pivotal attachment point. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include a screw, a pin, and first, second, and third crosspieces as taught by Allbritton and Cheng because this arrangement would provide Campbell's table much greater stability and structural integrity. Finally, Cheng further discloses free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.



Allbritton '357 Figure 1

Response to Arguments

16. Applicant's arguments, see the first page of remarks, filed 1 May 2006, with respect to the objection to claim 42 have been fully considered and are persuasive. The objection to claim 42 has been withdrawn.

17. The remainder of Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection. After further search and consideration, the material listed as allowable in the previous Office Action has been rejected for the reasons explained above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

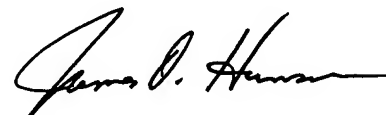
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PFG

7/26/2006



JAMES O. HANSEN
PRIMARY EXAMINER